



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M No.8032 of 2025 (O&M)

Date of decision: 18.02.2025

Karan Singh @ Kannu @ Mundi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.177 dated 25.10.2022 registered under Sections 302, 307, 379-B(2), 148, 149, 201 IPC (Sections 302 and 201 IPC added later on) and Section 25/54/59 of the Arms Act, at Police Station Kamboj, District Amritsar (Rural).

2. The brief facts of the case are that the FIR (supra) was lodged at the instance of Amritpal Singh wherein it is broadly alleged that on 24.10.2022 Karanjot Singh, Maninderpal Singh, Dilbagh Singh @ Baghi had attacked him. It is alleged that Karanjot Singh was armed with 'datar', Maninderpal Singh armed with 'baseball bat' and Baghi, was carrying the pistol and that the co-accused of petitioner had fired from his pistol hitting the complainant as well as Gagandeep Singh. It is further the case of prosecution that while Amritpal succumbed to the

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injuries on account of the gun shot, the other injured namely Gagandeep Singh survived.

3. Learned counsel for the petitioner *inter alia* contends that the main accused namely Dilbagh Singh @ Baghi, who is alleged to have fired upon the deceased from his pistol has been granted the concession of regular bail by the Coordinate Bench of this Court on 10.12.2024 passed in CRM-M No.60873 of 2024. The star witness of the prosecution i.e. Gagandeep Singh, who is the injured witness has not identified the co-accused as well as the petitioner, to be the assailants and the petitioner is behind the bars since 01.12.2022 and out of 30 PWs, only 05 PWs have been examined and all the material witnesses produced by the prosecution have not supported the case of the prosecution and they have turned hostile and the trial is likely to take long time in conclusion.

4. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has played an active role in committing the murder of deceased Amritpal Singh, however, he could not controvert the fact that the main accused Dilbagh Singh @ Baghi has already been granted the concession of regular bail by the Coordinate Bench of this Court on 10.12.2024 and the star witness of the prosecution namely Gagandeep Singh, who is injured in the alleged incident, has not supported the case of the prosecution.

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5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 years 02 months 16 days as on 17.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 30 prosecution witnesses, only 05 PWs have been examined so far and the material witnesses of the prosecution have not supported the case of the prosecution.

6. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. CBI”, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

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7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Karan Singh @ Kannu @ Mundi, is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

18.02.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No